

1976 Bill 27

Second Session, 18th Legislature, 25 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 27

THE LAND SURFACE CONSERVATION
AND RECLAMATION AMENDMENT ACT, 1976

MINISTER OF THE ENVIRONMENT

First Reading

Second Reading

Third Reading

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THE LAND SURFACE CONSERVATION AND RECLAMATION AMENDMENT ACT, 1976

(Assented to _____, 1976)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Alberta, enacts as follows:

1. *The Land Surface Conservation and Reclamation Act is hereby amended.*

2. *Section 14 is amended by striking out the words "exchange, purchase or".*

3. *Section 25 is amended*

(a) *as to subsection (1), clause (h) by striking out the word "prescribing" and by substituting the words "authorizing the Minister to prescribe", and*

(b) *by adding after subsection (2) the following subsections:*

(3) The Minister may enter into agreements with applicants for approvals or holders of approvals relating to the security or additional security required to be given to the Government by the applicants or holders under regulations made pursuant to subsection (1), clauses (g) and (h).

(4) Subsequent to

(a) an approval under section 27, or

(b) any agreement entered into by the Minister pursuant to subsection (3),

the Minister may enter into agreements with holders of approvals authorizing the Minister to use a portion, not exceeding 50 per cent, of the income earned from the security or from the additional security given to the Government that the holders of the approvals agree to, for the purpose of investigating the most effective and economic methods of reclaiming the lands to which the approval relates.

Explanatory Notes

1. This Bill will amend chapter 34 of the Statutes of Alberta, 973.

2. Section 14 presently reads:

14. The Lieutenant Governor in Council, upon the recommendation of the Minister, may authorize the Minister of Energy and Natural Resources to acquire by exchange, purchase or expropriation any estate or interest in mines or minerals within, upon or under any land to prevent the environmental degradation or inconsistent use of that land as a result of the exploration for or recovery of those mines or minerals.

3. Section 25, subsection (1), clauses (g) and (h) presently read:

25. (1) The Lieutenant Governor in Council may make regulations
- (g) authorizing the Minister to require applicants to give security to the Government or holders of approvals to give additional security to the Government;
 - (h) prescribing the nature and kind of security to be given to the Government by applicants for approvals and holders of approvals, and prescribing the basis for calculating the security;

4. Section 28 is amended by striking out subsection (1) and by substituting the following:

28. (1) Where any person has commenced a regulated surface operation in contravention of section 24 or is carrying on a regulated surface operation in contravention of any regulations made under section 23 or section 25, the Minister may cause to be served on that person a notice directing him to cease the operation forthwith until he has complied with section 24 or the regulations, as the case requires.

(2) Where any person is carrying on a regulated surface operation either not in accordance with the approved plans and specifications or in contravention of the conditions of the approval, the Minister may cause to be served on that person a notice directing him to cease the operation forthwith until he satisfies the Minister that the operation will be carried on in accordance with the approved plans and specifications and the conditions of the approval.

5. The following sections are added after section 29:

29.1 (1) There shall be a fund called the "Surface Reclamation Fund".

(2) The Fund shall be held and administered by the Provincial Treasurer in accordance with the provisions of this Act and the regulations, and the Provincial Treasurer shall maintain a separate accounting record of the Fund.

(3) The following shall be paid into the Fund:

- (a) all moneys required by the Minister to be deposited with the Government as security or additional security in respect of an approval or agreement under this Part;
- (b) any gift, bequest or transfer of moneys that is made to the Fund.

(4) An amount equal to the aggregate of the moneys held as security by the Government before the commencement of this section for any purpose referred to in subsection (3) or subsection (4), clause (a), shall be transferred to and form part of the Fund.

29.2 The Minister may from time to time in accordance with

- (a) the provisions of any agreement entered into by the Minister pursuant to section 25, subsection (3) or (4), or
- (b) section 30, or
- (c) the terms and provisions of any agreement, arrangement, direction or trust that applies to any moneys paid into the Fund,

4. Corrects an omission. Section 28 presently reads:

28. (1) Where any person has commenced, continued or recommenced a regulated surface operation in contravention of section 24, the Minister may make an order directing that person to cease the operation forthwith until he satisfies the Minister that the operation will be carried on in accordance with the approved plans and specifications and the conditions of the approval.

(3) An order under subsection (1) or (2) may be referred to as a "surface disturbance control order".

(4) The Minister shall cause a copy of a surface disturbance control order to be served personally or by mail upon the person to whom it is directed.

(5) Any person who fails to comply with a surface disturbance control order, upon service upon him of a copy of the order or at any time subsequent thereto, is guilty of an offence and liable on summary conviction to a fine not exceeding \$10,000 for each day during which any operation was carried on in contravention of the order.

(6) Where any person fails to comply with a surface disturbance control order, upon service upon him of a copy of the order or at any time subsequent thereto, the Minister may apply to the Supreme Court by way of originating notice of motion for an order of the Court directing that person to comply with the surface disturbance control order.

(7) Any person who

(a) contravenes section 24, or

(b) being the holder of an approval, contravenes any terms or conditions of the approval,

is guilty of an offence.

5. New. Sections 29.1 to 29.3 will create a consolidation in the Surface Reclamation Fund of all moneys that have been or will be deposited with the Government as security for reclamation of any regulated surface operations under Part 2.

direct the Provincial Treasurer with respect to the return, retention or expenditure of moneys paid into the Fund.

29.3 (1) The Minister shall, on or before the 31st day of May in each year, prepare a report regarding the operation of the Fund during the preceding fiscal year.

(2) Every report prepared under subsection (2) shall be forthwith laid by the Minister before the Legislative Assembly if it is then sitting and, if not, within 15 days after the commencement of the next sitting.

6. *Section 30, subsection (1) is amended by striking out the word "Where" and by substituting the words "Subject to the provisions of any agreements entered into by the Minister pursuant to section 25, subsection (3) or (4), where"*.

7. *Section 44, subsection (4) is amended*

- (a) by striking out the words "the Council may" and by substituting the words "the Council", and*
- (b) as to clause (b) by adding after the words "the reclamation of the land," the word "may".*

8. *Section 57, subsection (3) is amended*

- (a) by striking out the words "pursuant to section 51" and by substituting the words "pursuant to section 53", and*
- (b) by striking out the words "there is no need to issue a conservation order," and by substituting the words "there is no need to issue a reclamation order,".*

9. *The Financial Administration Act is amended as to the Schedule by adding to the list of Designated Funds of the Provincial Treasurer in section 1 the following:*

- (r1) Surface Reclamation Fund under section 29.1 of The Land Surface Conservation and Reclamation Act.*

10. *This Act comes into force on the day upon which it is assented to.*

6. Section 30, subsection (1) presently reads:

30. (1) Where the reclamation of the land to which an approval applies has been completed, the holder of the approval may apply for a return of the deposit given pursuant to the regulations.

7. This corrects a drafting error.

8. Corrects drafting errors.

9. The Surface Reclamation Fund is added to the Consolidated Cash Investment Trust Fund.